

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

Case No: 09-38817 – GFK

Steve Marten Kowalzek  
30398 233 Street  
Pierz, MN 56364

Social security/Taxpayer ID/Employer ID/Other Nos.:  
xxx-xx-1434

Debtor(s)

Chapter 12 Case

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**DISCHARGE OF CHAPTER 12 DEBTOR(S)**

It appears that Steve Marten Kowalzek duly filed a petition commencing this case under Title 11 of the United States Code on 12/17/09 , that an order for relief was entered under Chapter 12, that a plan was filed by the debtor(s) and confirmed by the court, that the trustee has reported or the court has determined that the debtor(s) has completed all applicable payments under the plan, and that the debtor is entitled to a discharge under 11 U.S.C. § 1228(a).

**IT IS ORDERED:**

1. **Discharge:** Steve Marten Kowalzek discharged from all debts dischargeable under 11 U.S.C. § 1228(a).
2. **Judgments:** Any judgment heretofore or hereafter obtained in any court other than this court is void under 11 U.S.C. § 524(a)(1) to the extent that such judgment is a determination of the personal liability of the debtor(s) with respect to any debt discharged or any debt determined by this court to be discharged by this order.
3. **Injunction:** All creditors are enjoined under 11 U.S.C. § 524(a)(2) from the commencement or continuation of an action, the employment of process, or any act to collect, recover or offset any such debt discharged or judgment voided as a personal liability of the debtor(s).
4. **Notice:** Discharge Hearing The clerk shall provide notice of this order as notice thereof to all creditors and other parties in interest. A hearing for the debtor(s) under 11 U.S.C. § 524(d) regarding the discharge and postpetition agreements will be held on motion of the debtor(s) or other party in interest.
5. **Property:** All property of the estate(s) is vested in the debtor(s) under applicable rules and 11 U.S.C. § 1227(b).

Dated: 12/9/13

Gregory F Kishel  
United States Bankruptcy Judge

NOTICE OF ENTRY AND FILING ORDER OR JUDGMENT Filed and docket entry made on December 9, 2013 Lori Vosejpka Clerk, United States Bankruptcy Court By: barbie Deputy Clerk
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dsc12 5/30/2013

### **EXPLANATION OF BANKRUPTCY DISCHARGE IN A CHAPTER 12 CASE**

This court order grants a discharge to the person named as the debtor. It is not a dismissal of the case and it does not determine how much money, if any, the trustee will pay to creditors.

#### **Collection of Discharged Debts Prohibited**

The discharge prohibits any attempt to collect from the debtor a debt that has been discharged. For example, a creditor is not permitted to contact a debtor by mail, phone, or otherwise, to file or continue a lawsuit, to attach wages or other property, or to take any other action to collect a discharged debt from the debtor. [*In a case involving community property*: There are also special rules that protect certain community property owned by the debtor's spouse, even if that spouse did not file a bankruptcy case.] A creditor who violates this order can be required to pay damages and attorney's fees to the debtor.

However, a creditor may have the right to enforce a valid lien, such as a mortgage or security interest, against the debtor's property after the bankruptcy, if that lien was not avoided or eliminated in the bankruptcy case. Also, a debtor may voluntarily pay any debt that has been discharged.

#### **Debts That are Discharged**

The chapter 12 discharge order eliminates a debtor's legal obligation to pay a debt that is discharged. Most, but not all, types of debts are discharged if the debt is provided for by the chapter 12 plan or is disallowed by the court pursuant to section 502 of the Bankruptcy Code.

#### **Debts that are Not Discharged.**

Some of the common types of debts which are not discharged in a chapter 12 bankruptcy case are:

- a. Debts for most taxes; and, in a case filed on or after October 17, 2005, debts incurred to pay nondischargeable taxes;
- b. Debts that are domestic support obligations;
- c. Debts for most student loans;
- d. Debts provided for under sections 1222(b)(5) or (b)(9) of the Bankruptcy Code and on which the last payment or other transfer is due after the date on which the final payment under the plan was due;
- e. Debts for most fines, penalties, forfeitures, or criminal restitution obligations;
- f. Debts for personal injuries or death caused by the debtor's operation of a motor vehicle, vessel, or aircraft while intoxicated;
- g. Some debts which were not properly listed by the debtor;
- h. Debts that the bankruptcy court specifically has decided or will decide in this bankruptcy case are not discharged; and
- i. Debts owed to certain pension, profit sharing, stock bonus, other retirement plans, or to the Thrift Savings Plan for federal employees for certain types of loans from these plans (in a case filed on or after October 17, 2005).

**This information is only a general summary of the bankruptcy discharge. There are exceptions to these general rules. Because the law is complicated, you may want to consult an attorney to determine the exact effect of the discharge in this case.**

**Certificate of Notice Page 3 of 3**  
 United States Bankruptcy Court  
 District of Minnesota

In re:  
 Steve Marten Kowalzek  
 Debtor

Case No. 09-38817-GFK  
 Chapter 12

**CERTIFICATE OF NOTICE**

District/off: 0864-3

User: barbie  
 Form ID: 12dsc

Page 1 of 1  
 Total Noticed: 10

Date Rcvd: Dec 09, 2013

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 11, 2013.

db +Steve Marten Kowalzek, 30398 233 Street, Pierz, MN 56364-2002  
 intp Farmers & Merchants State Bank of Pierz, c/o James L. Wiant, Rinke Noonan,  
 1015 West St. Germain Street, Suite 300, PO BOX 1497, St. Cloud, MN 56302-1497  
 58505221 Celink, P.O.Box 16247, Lansing MI 48901  
 58505224 Farmers & Merchants State, P.O.Box 308, Pierz MN 56364-0308  
 58505225 +Grand Itasca Clinic & Hospital, 111 SE 3rd St, Grand Rapids MN 55744-3663  
 58527102 +Harley-Davidson Credit Corp, PO Box 829009, Dallas, Tx 75382-9009

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

58505220 EDI: RMSC.COM Dec 09 2013 21:54:00 Care Credit/Gemb, P.O.Box 981439,  
 El Paso TX 79998-1439  
 58696794 +E-mail/Text: dianne.ring@fmpierz.com Dec 09 2013 21:50:18  
 Farmers and Merchants State Bank of Pierz, 80 Main Street, PO Box 308,  
 Pierz, MN 56364-0308  
 58616143 EDI: RMSC.COM Dec 09 2013 21:54:00 GE Consumer Finance, For GE Money Bank,  
 dba CARECREDIT/GEMB, PO Box 960061, Orlando FL 32896-0661  
 58505226 +E-mail/Text: bankruptcy.notices@hdfsi.com Dec 09 2013 21:50:27 Harley Davidson Financial,  
 4150 Technology Way, PVC, Carson City NV 89706-2026

TOTAL: 4

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

aty St. Cloud Legal Services  
 intp\* +Harley-Davidson Credit Corp, PO Box 829009, Dallas, Tx 75382-9009  
 58505222\* Celink, P.O.Box 16247, Lansing MI 48901  
 58598813\* +Harley Davidson Credit Corp., PO BOX 829009, Dallas, TX 75382-9009  
 58505223 ##+D.S. Erickson & Associates, PL, 30 north first street,, Suite 400,  
 Minneapolis MN 55401-1406

TOTALS: 1, \* 3, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Dec 11, 2013

Signature: /s/Joseph Speetjens

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 9, 2013 at the address(es) listed below:

Doug B Clark on behalf of Debtor Steve Marten Kowalzek dbclark@stcloudlegal.org,  
 gmokamba@stcloudlegal.org  
 James L. Wiant on behalf of Interested Party Farmers & Merchants State Bank of Pierz  
 jwiant@rinkenoonan.com  
 Joe M. Lozano on behalf of Interested Party Harley-Davidson Credit Corp notice@bkcyllaw.com,  
 jml@bvvlaw.com  
 Kyle Carlson info@carlsonchl3mn.com, barnesville13@ecf.epiqsystems.com  
 US Trustee ustpregion12.mn.ecf@usdoj.gov

TOTAL: 5